

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on July 20, 2015.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

July 6, 2015

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present: Beduhn Burrill Lomonaco Meeter
 Palmer VandenBerg VanderSluis

Members absent: Postema

A motion was made by Palmer, and seconded by Burrill to excuse Postema.

Motion carried: 7 Yeas 0 Nays

Other official present: Tim Cochran, City Planner

A motion was made by VandenBerg, and seconded by Beduhn to approve the minutes of the June 15, 2015 Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150030 P.P. #41-18-18-326-047
Roy Crater
3302 Lousma Dr. S.E.
Zoned I1

Secretary Lomonaco read the application requesting a variance from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-893 Nonresidential Districts requires properties in this I-1 Light Industrial District to be a minimum of one (1) acre in area. The petitioner desires to split the existing 1.88 acre property into two lots, each being 0.94 acres in area. The requested variance is to create two properties of 0.94 acres, which is 0.6 acres below the minimum district requirement of 1 acre.

Chairman VanderSluis opened the public hearing.

Roy Crater, 3410 Oak Valley, said he requested the lot split variance because he wanted to construct a building for his business in Wyoming. The original two acre lot is more area than he needs. His business is Ace High Crane.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran displayed a conceptual plan that was submitted by the applicant to show how the two lots could be used. The Zoning Code not only has a minimum requirement on lot size in the industrial zoned areas, but also a minimum building size requirement. The applicant has not submitted for a full plan review so at this time it is unknown whether the proposed building would meet the code requirements or if the current variance is granted, a second variance may be necessary for reduction in building size. On review of an aerial photo of the location, Cochran noted most of the buildings on Roger B. Chaffee are large industrial developments. There is no justification to reduce the lot size as there are many large buildings in the area. The property can be used and developed as currently sized. A small building would be out of character. City staff does not support the variance request and submitted findings for the Board's review to deny the variance.

1. The petitioner proposes to divide the existing 1.88 acre property into two 0.94 acre lots. The minimum lot area in this I-1 Light Industrial district is one acre. The proposed east lot with frontage on Roger B. Chaffee Boulevard is shown to be desired for a building of approximately 4,400 square feet. The minimum building area in this district is 10,000 square feet. A variance request for the smaller building may not be made until full site plan review for the project has been obtained. The proposed east lot is greatly limited in how it could be developed due to its limited size, depth and irregular boundary. Industrial developments in this area are primarily large industrial buildings on large lots. The property could otherwise be developed in accordance with the requirements of the district.
2. The petitioner is otherwise entitled to develop the property without the requested lot division.
3. The proposed lot division in of itself would not diminish the marketable value of adjacent land. However, the lot split predisposes the property for a future request for a reduced area building which would be out of character with nearby developments.
4. The condition or situation of this property is of a general nature.

A motion was made by Lomonaco and seconded by Meeter that the request for a variance in application no. V150030 be denied, accepting staff's Finding of Facts.

Burrill thought granting the variance could negatively impact the proposed vacant lot for future development, causing a future request for further variances. He could recall only one other variance that was granted for a reduction in lot size and there was extenuating circumstances that impacted development of the lot.

Cochran recalled that variance, and noted the property owner of that lot is currently coming in for a proposal for expansion.

VandenBerg asked if staff had received plans for review.

Cochran noted the only plans staff had received was the proposed lot drawing which was distributed to the Zoning Board members. That was not enough for a plan review, and if the variance was denied there would be no reason to do a plan review.

Chairman VanderSluis pointed out that the lot can fully utilized in the current configuration. A variance would be prohibited unless the lot could not be utilized.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150031 P.P. #41-17-31-351-026
Bill Sheldon
4693 60th St. S.W.
Zoned ER1

Secretary Lomonaco read the application requesting a variance from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-45 (1) Accessory Buildings requires accessory buildings to be constructed in the rear yard (behind the residence) in residential districts. The petitioner desires to construct a residence and detached accessory building on this property. The accessory building would be placed closest to 60th Street and in front of the residence. The requested variance is to allow the accessory building to be located in the front yard of the property.

In addition, a letter from Mark and Cathy Pierce, 4171 60th St. SW, Wyoming, was read into the minutes as being opposed to the variance request.

Chairman VanderSluis opened the public hearing.

Bill Sheldon, 2763 Woodlake, Wyoming explained he requested the variance for the accessory building in the front yard because the location of the power lines, the depth of the house, the proposed location of the septic tanks and drain field leave him no other option for the accessory building. The land is too low to the west. The property is over an acre in size, and he should not be denied the right to have an accessory building.

Chairman VanderSluis asked if Mr. Sheldon had had a perk test done on the property.

Mr. Sheldon answered he had.

Burrill asked if the applicant had a drawing of the aesthetics of the accessory building.

Mr. Sheldon left the meeting to retrieve a drawing from his vehicle.

Leo Haskill, 4672 60th St., Byron Center, explained his property was located directly across the street to the south of the location of the proposed accessory building. Their bedroom is on the side of the house which faces the street. He was concerned the building would be used to store construction equipment as Mr. Sheldon operates a construction company and if so, he would have to listen to noise from the operation of large equipment. Having an accessory in the front yard is not in character with the area. He was also concerned that owner did not

have the D.E.Q. out to review the property for wetlands. It is possible the proposed location of the accessory building could possibly be in a wetland area.

Vicky Haskill, 4672 60th St., Wyoming, was concerned the proposed location of the accessory building could negatively impact the resale value of their house. If the structure is constructed, their entire view of the property would only be the structure.

Mr. Sheldon displayed an elevation drawing of the building. He called the building a carriage house, and said it would be nice-looking.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran noted the lot was unusual but he did not know if the owner had fully explored the options for placement of the accessory building. There is no requirement in the Zoning code for an accessory building, other than the required attached garage. This is a large property and there is room for development. He has not explored the location of the drain field himself, but just because there is low land on the property does not mean it is regulated by the D.E.Q. There is nothing compelling to say the accessory building has to be in the front yard. There are other homes in the area that are set off the street with accessory buildings in the rear yard. An accessory building that is located in the front yard would be out of character for the area. City Staff does not support the variance request and provided findings for the Board to review to deny the variance request.

1. The petitioner proposes to construct a detached accessory building along the 60th Street frontage and in front of the proposed residence. The Zoning Code requires detached structures to be constructed behind a residence. The property is almost 300 feet in depth, with a required minimum front yard setback of 35 feet. This large property area allows a great variety of building placement options. An attached garage is required in this Estate Residential District. However, an additional detached structure is optional, and is subject to allowable size and placement restrictions. The property can otherwise be developed in accordance with the requirements of the district.
2. The petitioner is otherwise entitled to develop the property without the requested variance.
3. The proposed accessory building placement along the 60th Street frontage would be out of character with nearby developments.
4. The condition or situation of this property is of a general nature.

A motion was made by Lomonaco and seconded by Palmer that the request for a variance in application no. V150031 be denied, accepting staff's Finding of Facts.

Burrill thought the proposed carriage house looked tasteful. He noted the size of the building is not the issue. He also did not think the location of the garage would negatively affect the value of the neighboring properties. The Zoning Code prohibits the outside storage of commercial vehicles and equipment.

Chairman VanderSluis stated a property does not have to have an accessory building. The sketch the applicant provided is not too scale and does not indicate the location of the low lands/wetlands.

Motion carried: 6 Yeas 1 Nays (Burrill)

There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

Canda Lomonaco
Secretary

CL:cb